

PLANNING BOARD

TOWN OF NEW BOSTON

SUBDIVISION REGULATIONS

PROPOSED AMENDMENTS JANUARY 22, 2013

NOTE: ***BOLD ITALICS*** INDICATE LANGUAGE PROPOSED TO BE ADDED
~~STRIKETHROUGH~~ INDICATES LANGUAGE PROPOSED TO BE DELETED

Proposed Amendment #1

Amend the third sentence of Section IV-A,1, Application, to delete reference to the upstream dam owner and add the correct statutory reference.

SECTION IV PROCEDURE
Section IV-A APPLICATION

1. ... The completed application shall be accompanied by all supporting information and supporting plans and documentation required herein, and by the fees established by the Board for the notification of the owner, applicant, abutters, holders of conservation, preservation and agricultural preservation restrictions, ~~the nearest upstream dam owner~~, the NH Department of Environmental Services Dam Bureau, as necessary, (***see RSA 676:4,I,(d),(2)***), and every licensed professional whose seal appears on the plans, and the general public, and for the review and processing of the proposal. ...

Proposed Amendment #2

Amend Section IV-F, 2, b, Completed Application, to delete reference to the upstream dam owner and add the correct statutory reference.

SECTION IV PROCEDURE
Section IV-F COMPLETED APPLICATION

2. The following shall be required for, and constitute, a completed application:
 - b. An abutters list providing the names and mailing addresses of the applicant; owner (if different from applicant); all abutters as indicated in town records, the Hillsborough County Registry of Deeds, etc., holders of conservation, preservation or agricultural preservation restrictions, ~~the nearest upstream dam owner~~, the NH Department of Environmental Services Dam Bureau, as necessary, (***see RSA 676:4,I,(d),(2)***), compiled not more than five (5) days before the date of delivery of the application; and, the name and address of every licensed professional whose seal appears on the plan.

Proposed Amendment #3

Amend the first sentence of Section IV-I,1, Public Hearings, to delete reference to the upstream dam owner and add the correct statutory reference.

SECTION IV PROCEDURE
Section IV-I PUBLIC HEARINGS

1. Before the final plat is approved or disapproved, a public hearing shall be held as required by RSA 676:4,I,(e) and notice to the owner, applicant, abutters, holders of conservation, preservation and agricultural preservation restrictions, ~~the nearest upstream dam owner~~, the NH Department of Environmental Services Dam Bureau, as necessary, (***see RSA 676:4,I,(d),(2)***), and every licensed professional whose seal appears on the plans, and the general public shall be given in accordance with Section IV-J. ...

Proposed Amendment #4

Amend the first sentence of Section IV-J,1, Notices, to delete reference to the upstream dam owner and add the correct statutory reference.

SECTION IV PROCEDURE
Section IV-J NOTICES

1. Notice of the submission of a preliminary plan or a completed application shall be given by the Board to the owner, applicant, abutters, holders of conservation, preservation and agricultural preservation restrictions, ~~the nearest upstream dam owner~~, the NH Department of Environmental Services Dam Bureau, as necessary, (***see RSA 676:4,I,(d),(2)***), and every licensed professional whose seal appears on the plans by certified mail at least ten (10) days prior to the submission, and to the general public at the same time by posting in at least 2 public places in the town. ...

Proposed Amendment #5

Amend Section IV-K, Issuance of Decision, by deleting IV-K,4, in its entirety and replacing it with the language in bold italics:

SECTION IV PROCEDURE
Section IV-K ISSUANCE OF DECISION

- ~~4. Pursuant to RSA 674:39, every subdivision plat approved by the Planning Board and recorded in the Hillsborough County Registry of Deeds shall be exempt from all subsequent changes in the subdivision regulations, and other ordinances of the Town, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment~~

~~requirements, for a period of four (4) years after the date of recording; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, or unless otherwise stipulated by the Planning Board, the rights of the owner or his successor in interest shall vest and no subsequent changes in the subdivision regulations or zoning ordinance shall operate to affect such improvements, providing that:~~

- ~~a) active and substantial development or building has begun on the site by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval, and, if a bond or other security is required in connection with such approval, such bond or other security is posted with the town at the time of commencement of such development;~~
- ~~b) the development remains in full compliance with the specified public health regulations and ordinances;~~
- ~~c) at the time of approval and recording, the plan conforms to the subdivision regulations and zoning ordinance then in effect at the site of such plat.~~
- ~~d) As part of its approval of a plat or plan, the Planning Board may, with due regard to the scope and details of a particular project, specify the threshold level of work which shall constitute "active and substantial development or building" for purposes of fulfilling paragraph a) of this section, or may, for good cause extend the 12 month period set forth in paragraph a).~~

- 4. Subdivision plats approved by the Planning Board and properly recorded in the registry of deeds shall be afforded the statutory exemptions as outlined in NH RSA 674:39, as amended. The New Boston Planning Board shall consider the requirements for "active and substantial development or building" and "substantial completion of improvements" on a case by case basis and discuss these two levels of exemption at the hearing(s) on the subdivision application.**

Proposed Amendment #6

Amend Section V-U, Stormwater Management and Erosion and Sediment Control Regulations, to change references to "Stormwater Management Plan Adherence Statement" and adherence thereto, to "Stormwater Management Plan Compliance Statement" and compliance therewith, throughout.

SECTION V-U REGULATIONS

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

- C. 4. ... For building permits requiring an ISWMP, Certificates of Occupancy will only be issued after receipt of a 'Stormwater Management Plan ~~Adherence~~ **Compliance** Statement' as specified in the New Boston Subdivision Regulations." ...

D. 7. Notice: A note that the professional engineer accepts the responsibility to monitor the site work and sign off on the plan with a statement that "the site work has ~~adhered to~~ **complied with** the SWMP", and a note that "No Certificate of Occupancy will be issued without the 'SWMP ~~adherence~~ **compliance** statement' issued in writing".

I. 5. In order to receive a certificate of occupancy, a "SWMP ~~adherence~~ **compliance** statement" must be filled out and stamped by a professional engineer who has certified that he or she has the requisite experience and certifications to meet SWMP design requirements, including expertise in site grading, site drainage, erosion control, hydrology, and soils or by a person specified by the board. The form must indicate that the professional has inspected the affected area(s), and that the SWMP has been ~~adhered to~~ **complied with**.

6. ... The Building Inspector shall forward a copy of the "Stormwater Management Plan ~~Adherence~~ **Compliance** Statement" to the Planning Board in order for the Board to release the performance bond ...

STORMWATER MANAGEMENT PLAN ~~ADHERENCE~~ **COMPLIANCE** STATEMENT

I hereby certify that I _____ (PRINT NAME), a professional engineer with more than 2 years of experience in site grading, site drainage, erosion control, hydrology and soils, have inspected the affected areas as shown on the Stormwater Management Plan or Individual Stormwater Management Plan for

_____ (PRINT APPLICANT'S NAME)

Tax Map/Lot # _____, located on

_____ (PRINT ROAD NAME), and hereby certify that the Stormwater Management Plan or Individual Stormwater Management Plan has been ~~adhered to~~ **complied with** and that the affected areas have been adequately and verifiably stabilized.

Signed and Sealed

Date

Proposed Amendment #7

Amend Section VI-A, Preliminary Plan Layout, to delete reference to the upstream dam owner and add the correct statutory reference.

VI-A The names, addresses and deed references to the ownership title of the proposed subdivision, the owner(s) of record, subdivider, if other than the owner, abutters, holders of conservation, preservation or agricultural preservation restrictions, ~~the nearest upstream dam owner,~~ the NH Department of Environmental Services Dam Bureau, as necessary, (**see RSA 676:4,I,(d),(2)**); and the names and addresses of every licensed professional whose seal appears on the plan.

Proposed Amendment #8

Amend Section VII-B, Final Plat, to delete reference to the upstream dam owner and add the correct statutory reference.

VII-B The final plat shall show the proposed subdivision name or identifying title; the names, addresses and deed references to the ownership title of the proposed subdivision, the owner(s) of record, the subdivider, if other than the owner, all abutters as specified in Section IV-F, all holders of conservation, preservation and agricultural preservation restrictions, ~~the nearest upstream dam owner,~~ the NH Department of Environmental Services Dam Bureau, as necessary, (**see RSA 676:4,I,(d),(2)**); and the name, address and seal of every licensed professional whose seal appears on the plan; date of plan, including revision dates; graphic and written scale; locus map showing the subdivision site, north point and main traffic arteries; north point; and, certification by the surveyor that all bounds have been set, in accordance with Section IX-A.

Proposed Amendment #9

Amend Section VIII, Performance Bond by deleting reference to public water and sewer lines and correctly referring to stormwater management; adding a requirement that the Town's Consulting Engineer approve the bond amount; adding requirements of proof of trustworthiness of a bonding company and its good standing in New Hampshire; adding a requirement for automatic extension of the bond if the improvements are not completed within the initial term; requiring a cash escrow agreement for cash securities; clarifying the procedures by which a developer may complete improvements without having a bond in place; deleting reference to the obsolete Application for Inspection form and including reference to the Road Construction Inspection Procedures; and, referring to the correct section for stormwater management bonding requirements.

SECTION VIII **PERFORMANCE BOND AND MAINTENANCE SECURITIES** (Section amended generally 6/25/02.)

VIII-A Before final approval of a subdivision by the Board, completion of improvements required by the Board as a condition of approval such as streets, utilities ~~(private), and stormwater management drainage, and the extension of~~

~~public water and sewer lines~~, etc., which have not been completed, shall be guaranteed by the subdivider by one of the following alternatives:

~~VIII-A~~

1. Posting of a performance bond or submission of an irrevocable letter of credit, or other security, providing the type and form of the security is acceptable to the Board and approved by the legal counsel of the town, and providing the amount is sufficient to cover the cost of necessary construction, including a cost escalation factor of no more than 10 percent (10%) per year. **Additionally, the Board reserves the right to require that the applicant demonstrate the financial trustworthiness of any bonding company acting as Surety on a performance bond and to insist, if, in the judgment of the Board, it is deemed necessary, that such company acting as Surety be a company organized under the laws of the State of New Hampshire and/or be licensed to operate and be in good standing in the State of New Hampshire and that the laws of the State of New Hampshire shall govern any disputes or actions taken under such bond.** (See RSA 674:36,III,(b).) All performance bonds shall be calculated using the road bond estimate form of the Town of New Boston **and the final amount shall be approved by the Town's Consulting Engineer.**
 - a. **If the improvements secured have not been satisfactorily completed within the initial term of the security, the performance bond or letter of credit shall include language which will either (1) provide for the automatic extension of the security, without amendment, for a minimum period of one (1) year, or (2) provide that the Surety shall provide a replacement bond or letter of credit or a written commitment to provide a replacement bond or letter of credit a minimum of 120 days prior to the expiration date of the initial term of the security or any extension thereof. Failure to timely provide such replacement security or commitment shall constitute a breach in the conditions of the bond and entitle the Town to act to recover under the bond and/or proceed with any other available remedies including revocation of approval pursuant to RSA 676:4-a. This requirement shall not be applicable if the applicant has provided a letter of credit that is "self-calling".**

~~VIII-B~~

2. Submission of cash or a passbook in an amount sufficient to cover the cost of necessary construction, including a cost escalation factor of no more than 10 percent per year. **A cash escrow agreement is required which cash**

escrow agreement will provide, at a minimum, the specifications of the contemplated improvements that the cash escrow secures, the timetable for completion of the same, and the terms and conditions that will govern the process by which the Town may avail itself of such funds in the event of default by the Obligor.

VIII-B *The subdivider may also elect to complete the improvements as shown on the conditionally approved plan as follows:*

- VIII-C**
1. *Construction of all the agreed upon improvements, in accordance with these Regulations and the Road Construction Inspection Procedures, prior to final approval of the plat by the Board. No lot shall be sold or built upon prior to this final approval.*
 2. *Construction of the road improvements in accordance with these Regulations and the Road Construction Inspection Procedures to a point determined by the subdivider and agreed to by the Planning Board, and posting of an acceptable security of sufficient amount to cover the cost of completing the remaining improvements, including a cost escalation factor as noted in VIII-A,1, above.*

~~With any of the options stated above, release of any security shall be conditioned upon completion of the improvements covered thereby within such time as may be agreed upon between the Board and the subdivider, but in any event within five (5) years from the date of the agreement, or within one (1) year from the date of sale of the last lot in the subdivision, whichever is earlier, provided, however, that the subdivider agrees to construct the improvements necessary to service each lot, as sold, within one (1) year from date of sale in lieu of the specified period.~~

VIII-DC *As phases or portions of the secured improvements or installations are completed and approved by the Planning Board, the Board may partially release said security to the extent reasonably calculated to reflect the value of such completed improvements and installations, as per these **Regulations and the Road Construction Inspection Procedures** Application for Inspection (roads) and the Job Inspection Sheet (utilities). (See RSA 674:36, III, (b).)*

~~**VIII-E** Construction of all the agreed upon improvements, in accordance with the Application for Inspection and the Job Inspection Sheet, prior to final approval of the plat by the Board. No lot shall be sold or built upon prior to this final approval.~~

~~**VIII-F** Construction of all the agreed upon road improvements through the binder (base) course of pavement, as per the Application for Inspection, by the subdivider, and posting of an acceptable~~

~~security of sufficient amount to cover the cost of completing the improvements.~~

VIII-GD If a bond or other security is provided, it shall be approved as to form and sureties by the legal counsel of the Town.

VIII-HE The Town of New Boston shall have the power to enforce any securities being held to secure the construction and installation of improvements and utilities by all appropriate legal and equitable remedies. (See RSA 674:36, III, (b).)

VIII-IF Prior to the acceptance of the completed road/fire protection system by the Town, an acceptable two year maintenance bond must be submitted by the applicant for the road/fire protection system in the amount of 10% of the performance bond value.

VIII-JG ~~Prior to acceptance of a completed stormwater management plan, an acceptable performance bond must be submitted by the applicant. The bond will be calculated using the Town of New Boston Stormwater Management Plan Improvements Guarantee Worksheet.~~ ^(Added March 14, 2006.) **Bonding for stormwater management shall be in accordance with Section VU-G, above.**

Proposed Amendment #10

Amend section IX-C, Improvement Construction Inspections, to delete reference to the obsolete Application for Inspection and associated procedures and to add reference to the Town's Road Construction Inspection Procedures.

SECTION IX **IMPROVEMENT CONSTRUCTION REQUIREMENTS**
Section IX-C **IMPROVEMENT CONSTRUCTION INSPECTIONS**

The roadway shall be inspected in accordance with the ~~"Application for Inspection"~~ **Town of New Boston Road Construction Inspection Procedures** to be provided to the subdivider by the Board at the pre-construction meeting. ~~The Application for Inspection must be signed by the Road Agent, or the Town's consulting engineer/inspector, at each inspection stage giving authorization to proceed to subsequent construction stages. The Application for Inspection must be returned to the Board in order to initiate a final inspection of the 100% completed road project.~~ The final inspection will be performed by the Planning Board, Selectmen, Road Agent and the Town's consulting engineer/inspector. If, at the compliance hearing before the Planning Board, the road is found to be satisfactory, the Planning Board will then recommend to the Board of Selectmen that they accept the road as a Class V road for the Town, if they are so authorized, or to present it for vote of the Town Meeting.

PLANNING BOARD

TOWN OF NEW BOSTON

NON-RESIDENTIAL SITE PLAN REVIEW REGULATIONS

PROPOSED AMENDMENTS JANUARY 22, 2013

Proposed Amendment #1

Amend Section 2.1,B, Existing Data and Information, Minor and Major Site Plans, to delete reference to the upstream dam owner and add the correct statutory reference.

SECTION 2 SUBMISSION ITEMS: SITE DEVELOPMENT PLAN AND SUPPORTING DATA

2.1 Existing Data and Information

Minor and Major Site Plans

- B. Tax Map and Lot number, names and addresses of owners of record, abutting land owners as indicated in the New Boston town records not more than 5 days before the day of filing, and all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45, ~~and the nearest upstream dam owner~~ and the NH Department of Environmental Services Dam Bureau, as necessary, (**see RSA 676:4,I,(d),(2)**).

Proposed Amendment #2

Amend Section 4.18,C, Off-Street Parking, to include a size for parallel parking spaces.

SECTION 4 DESIGN AND CONSTRUCTION REQUIREMENTS

4.18 Off-Street Parking

- C. Standard parking lot spaces shall be a minimum of 10 feet wide by 20 feet long (10' x 20'). **Parallel parking spaces shall be a minimum of 10 feet wide by 22 feet long (10' x 22'). OR 9 feet wide by 22 feet long (9' x 22').**

12/31/12